

REMARKS

This is a full and timely response to the Office Action mailed September 15, 2008.

No claims have been amended in this response. Thus, claim 8 is currently pending in this application.

In support of the remarks herein below, Applicant has submitted a Rule 1.132 Declaration executed by Mr. Atsuhiro Saito, Mr. Jyuzaemon Iwasaki, Mr. Hiroyuki Kameoka, Mr. Yasuo Ibuki, Mr. Fumio Taniguchi, Mr. Kotaro Yanagi, and Mr. Hiroshi Shigeta who are the inventors of the present application.

In view of this response, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the filing of the Rule 1.132 Declaration and the following remarks is respectfully requested.

Rejection under 35 U.S.C. §102

Claim 8 is rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Saito et al. (U.S. Patent No. 7,150,285). Applicant believes that this rejection has been overcome by the filing of the Rule 1.132 Declaration establishing that the reference invention of Saito et al. (U.S. Patent No. 7,150,285) is not by “another” inventive entity.

The Saito et al. reference (U.S. Patent No. 7,150,285) is categorized as a prior art reference under 35 U.S.C. §102(e). With the filing of the Rule 1.132 Declaration executed by Mr. Atsuhiro Saito, Mr. Jyuzaemon Iwasaki, Mr. Hiroyuki Kameoka, Mr. Yasuo Ibuki, Mr. Fumio Taniguchi, Mr. Kotaro Yanagi, and Mr. Hiroshi Shigeta (inventors of the Saito et al. reference and the present application), Applicant believes that Saito et al. should be removed as a prior art reference since it has been established that the reference invention of Saito et al. is not by “another” inventive entity.


Thus, since Saito et al. is no longer a valid prior art reference, the outstanding rejection can no longer be sustained and should be withdrawn.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejection. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: December 2, 2008

Respectfully submitted,

By:  _____

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 50-4422 for any such fees; and applicant(s) hereby petition for any needed extension of time.